



A Brief History of the Cloture Vote on Presidential Nominations

Prepared by the office of Senate Majority Leader Bill Frist, M.D.

- The cloture rule has been applicable to nominations since 1949.
- From 1949 until 2002, cloture had been filed on 35 nominations – 17 judicial nominees and 18 executive nominees.
- Of the 17 judicial nominations, cloture was successful on the first attempt in 11 cases. All these nominees were confirmed.
- On the remaining 6 judicial nominations where cloture was not invoked on the first attempt, all were nevertheless confirmed, except for Abe Fortas to the position of Chief Justice of the Supreme Court in 1968. Fortas was blocked because of ethical allegations, not judicial philosophy.
 - Fortas had one unsuccessful cloture vote.
 - In addition, J. Harvie Wilkinson was confirmed in 1984 to the Circuit Court of Appeals following a successful cloture attempt on the second try.
 - A 1971 cloture vote on William Rehnquist to be Associate Justice of the Supreme Court failed. A second cloture motion was filed, but was rendered moot because the nominee was confirmed before the second cloture motion ripened.
- As to Executive nominations, cloture has been invoked 10 times in 18 attempts. All nominees on whom cloture was invoked (6 on multiple attempts) were confirmed. Of the 8 nominees on whom cloture failed, only two were not confirmed:
 - Sam Brown, Ambassador 1994 (3 cloture attempts)
 - Henry Foster, Surgeon General 1995 (2 cloture attempts)
- Note: No filibuster has ever been broken by forcing opponents to continuously debate a measure.